IAP3 Rec'd PCT/PTO 15 DEC 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Xiao, et al.

Serial No. 10/549,425

Filed: September 15, 2005

For: PROCESS FOR THE PREPARATION OF CHIRAL BETA AMINO ACID DERIVATIVES BY ASYMMETRIC

HYDROGENATION

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

DEC 15 2005	•
Æ /	Art Unit:
TRADEMINE.	Examiner:

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Oliver Parous Date 12-12-2005

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED AP	PLICATION	
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE	
		1	

If this is inconvenient, additional copies will be submitted upon request. 6. In accordance with 37 C.F.R. 1.97, (check one) the attached information is filed within three months of the filing date of the captioned case. the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits. the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114. the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p). each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement. no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

3y: Philippe L. Durette

Attorney For Applicant(s)

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(732)594-<u>4568</u>

Date: December 12, 2005

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	bstitute for form 1449A/PTO NFORMATION I	DI SC LOSU	JRE	Application Number	10/549,425
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	*9		<i>y)</i>	Group Art Unit	
				Examiner Name	
Sheet	1	- Company	2	Attorney Docket Number	21178YP

			U.S. PA	ATENT DOCUMENTS	
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	1.	5,563,309		Togni, et al.	10/08/1996
	2.	6,492,544		Krimmer, et al.	12/10/2002
	3.	6,699,871		Edmondson, et al.	03/02/2004
	4.	US 2004/0023344		Matsumura, et al.	02/05/2004
	<u> </u>				
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FOREIGN PATENT DOCUMENTS						
Examiner	Cite No.	Foreign Patent Document Kind			Name of Patentee or Applicant	Date of Publication of
Initials*		Office	ffice Number		of Cited Document	Cited Document MM-DD-YYYY
	5.	PCT	WO 03/004498		MERCK & CO., INC.	01/16/2003
	6.	EPO	EP 1 103 536		Aventis Research & Technologies GmbH & Co. KG	05/30/2001
	7.	EPO EP 1 386 901			Takasago International Corporation	02/04/2004

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature Date Considered

					TOTAL DISTRICT CHICAGO CONTRACTOR CONTRACTOR
Su	Substitute for form 1449B/PTO		COMPLETE IF KNOWN		
	NFORMATION 1	DIS	CLOSURE	Application Number	10/549,425
C	STATEMENT BY APPLICANT			Filing Date	September 15, 2005
3				First Named Inventor	Xiao, et al.
			,	Group Art Unit	
	(use as many sheets as necessary)			Examiner Name	
Sheet	2	of	2	Attorney Docket Number	21178YP

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.		
	8.	Zhu, et al., "Highly efficient Asymmetric Synthesis of \(\beta\)-Amino Acid Derivatives via Rhodium-Catalyzed Hydrogenation of \(\beta\)-(Acylamino)acrylates", \(J. Org. Chem\), Vol. 64, pp. 6907-6910 (1999).		
	9.	Lubell, et al., "Enantioselective Synthesis of \(\beta\)-Amino Acids based in BINAP-Ruthenium(II) Catalyzed Hydrogenation", Tetrahedron Asymmetry, Vol. 2, No. 7, pp. 543-554 (1991).		
	10.	Hsiao, et al., "Highly Efficient Synthesis of β-Amino Acid Derivatives via Asymmetric Hydrogenation of Unprotected Enamines", J. Am. Chem. Soc., Vol. 126, pp. 9918-9919 (2004).		
	11.	Hayashi, et al. "Asymmetric Synthesis Catalyzed by Chiral Ferrocenylphosphine-Transition Metal Complexes. I. Preparation of Chiral Ferrocenylphosphines", <i>Bull. Chem. Soc. Jpn.</i> , Vol. 53, pp. 1138-1151 (1980).		
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Examiner	Date
Signature	Considered
Signature	Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.